

1 BOIES, SCHILLER & FLEXNER LLP
2 RICHARD J. POCKER (NV Bar No. 3568)
3 300 South Fourth Street, Suite 800
Las Vegas, NV 89101
4 Telephone: (702) 382-7300
Facsimile: (702) 382-2755
rpocker@bsflp.com

5 BOIES, SCHILLER & FLEXNER LLP
STEVEN C. HOLTZMAN (*pro hac vice*)
6 FRED NORTON (*pro hac vice*)
KIERAN P. RINGGENBERG (*pro hac vice*)
7 1999 Harrison Street, Suite 900
Oakland, CA 94612
8 Telephone: (510) 874-1000
Facsimile: (510) 874-1460
9 sholtzman@bsflp.com
fnorton@bsflp.com
10 kringgenberg@bsflp.com

11

12

13 Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc. and Oracle International
14 Corp.

15

UNITED STATES DISTRICT COURT

16

DISTRICT OF NEVADA

17

18 ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
19 corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

20

Plaintiffs,

21

v.

22

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

23

Defendants.

24

25

26

27

28

BINGHAM McCUTCHEN LLP
GEOFFREY M. HOWARD (*pro hac vice*)
THOMAS S. HIXSON (*pro hac vice*)
KRISTEN A. PALUMBO (*pro hac vice*)
BREE HANN (*pro hac vice*)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286
geoff.howard@bingham.com
thomas.hixson@bingham.com
kristen.palumbo@bingham.com
bree.hann@bingham.com

DORIAN DALEY (*pro hac vice*)
DEBORAH K. MILLER (*pro hac vice*)
JAMES C. MAROULIS (*pro hac vice*)
ORACLE CORPORATION
500 Oracle Parkway, M/S 5op7
Redwood City, CA 94070
Telephone: 650.506.4846
Facsimile: 650.506.7114
dorian.daley@oracle.com
deborah.miller@oracle.com
jim.maroulis@oracle.com

Case No 2:10-cv-0106-LRH-PAL

**APPENDIX OF EXHIBITS CITED IN
SUPPORT OF ORACLE'S SECOND
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

VOLUME 4 OF 5 (EXS. 73-94)

Judge: Hon. Larry R. Hicks

APPENDIX OF EXHIBITS

Pursuant to Local Rule 10-3, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively, “Oracle”) submit this Appendix Of Exhibits Cited In Support Of Oracle’s Second Motion For Partial Summary Judgment.

Exhibit	Description	Volume
1	Excerpt of Rimini's Supplemental Responses to Oracle's Interrogatories Nos. 7, 15, 28, 29, and 30	1
2	Oracle License and Services Agreement	1
3	June 29, 2007 e-mail from G. Lester	1
4	Oracle Developer License, dated January 24, 2006	1
5	Oracle Deposition Ex. 808, introduced during the Nov. 11, 2011 deposition of G. Lester	1
6	Excerpts from the Rule 30(b)(6) deposition of R. Allison, taken on November 12, 2009	1
7	Excerpts from the deposition of G. Lester, taken on November 11, 2011	1
8	Screenshots from Oracle Technology Network Website	1
9	Excerpts from the deposition of K. Williams, taken on October 5, 2011	1
10	Oracle Deposition Ex. 470, introduced during the October 5, 2011 deposition of K. Williams	1
11	Excerpts from the deposition of D. Baron, taken on May 5, 2010	1
12	Excerpts from the Rule 30(b)(6) deposition of B. Lester, taken on March 17, 2011	1
13	HCM101131_09TXFRMCN.DAT file from RSI0910435	1
14	Oracle Deposition Ex. 74, introduced during the March 17, 2011 deposition of B. Lester	1
15	Excerpts from the deposition of J. Whittenbarger, taken on September 27, 2011	1
16	Excerpts from the deposition of S. Ravin, taken on November 17-18, 2011	1
17	Oracle Deposition Ex. 929, introduced during the November 18, 2011 deposition of S. Ravin	1
18	Rimini's Responses to Oracle's Interrogatories Nos. 17-18	1
19	Attachment A to Rimini's First Supplemental Response to Oracle's Interrogatory No. 17	1
20	Attachment B to Rimini's First Supplemental Response to Oracle's Interrogatory No. 18	1
21	First Supplemental Exhibit C to Rimini's First Supplemental Response to Oracle's Interrogatory No. 17	1
22	Oracle's First Set of Requests for Admissions	1
23	Rimini's Responses to Oracle's Requests for Admissions Nos. 13-14	1
24	Excerpts from the deposition of D. Klausner, taken on June 15, 2012	1
25	January 20, 2010 e-mail from D. Chiu	1
26	February 23, 2010 e-mail from G. Lester	1

1	27	Excerpts from the deposition of R. Grigsby, taken on June 15, 2012	1
2	28	November 13, 2009 e-mail from K. Larsen	1
3	29	April 29, 2010 e-mail from RSI-Intranet	1
4	30	Oracle's Fifth Set of Interrogatories Nos. 20-25	1
5	31	Rimini's Third Supplemental Responses to Oracle's Interrogatories Nos. 20-22	2
6	32	First Supplemental Exhibit 1A-3 to Rimini's Third Supplemental Responses to Oracle's Interrogatories Nos. 20-22	2
7	33	Excerpts from the Rule 30(b)(6) deposition of D. Zorn, taken on September 16, 2011	2
8	34	Oracle Deposition Ex. 418, introduced during the September 16, 2011 deposition of D. Zorn	2
9	35	Excerpts from the deposition of M. Davichick, taken on July 21, 2011	2
10	36	Oracle Deposition Ex. 281, introduced during the July 21, 2011 deposition of M. Davichick	2
11	37	Oracle Deposition Ex. 293, introduced during the July 21, 2011 deposition of M. Davichick	2
12	38	March 9, 2010 e-mail from C. Limburg	2
13	39	May 16, 2012 Rimini Press Release	2
14	40	Excerpts from the Rule 30(b)(6) deposition of B. Slepko, taken on August 24, 2010	2
15	41	Excerpts from the Rule 30(b)(6) deposition of B. Slepko, taken on December 16, 2011	2
16	42	April 21, 2010 e-mail from J. Benge	2
17	43	April 14, 2010 e-mail from E. Fisher	2
18	44	Rimini Support Agreement with AGCO North America	2
19	45	Rimini Support Agreement with American Standard	2
20	46	Rimini Support Agreement with AmeriGas	2
21	47	Rimini Support Agreement with Anadarko Petroleum	2
22	48	Rimini Support Agreement with FM Global	2
23	49	Rimini Support Agreement with Genesis Health Care Corp.	3
24	50	Rimini Support Agreement with JBS Swift	3
25	51	Rimini Support Agreement with Kichler Lighting	3
26	52	Rimini Support Agreement with Koch Business Solutions LP	3
27	53	Rimini Support Agreement with National Grid	3
28	54	Rimini Support Agreement with Smurfit Stone Container Corp.	3
29	55	October 3, 2011 Rimini Press Release	3
30	56	Rimini's Response to Oracle's Eighth Set of Interrogatories	3
31	57	September 26, 2005 Letter from S. Gattey to S. Ravin	3
32	58	October 6, 2005 Letter from P. Byrne to S. Gattey	3
33	59	Excerpts from the deposition of S. Ravin, taken on July 21, 2010	3
34	60	Software Shipping Request to Oracle	3
35	61	Oracle Deposition Ex. 458, introduced during the September 27, 2011 deposition of J. Whittenbarger	3
36	62	Oracle Deposition Ex. 459, introduced during the September 27, 2011 deposition of J. Whittenbarger	3
37	63	Excerpts from the deposition of B. Slepko, taken on December 15, 2011	3
38	64	Excerpts from the deposition of D. Chiu, taken on June 24, 2011	3

1	65	Oracle Deposition Ex. 41, introduced during the May 12, 2011 deposition of J. Marandola.	3
2	66	Oracle Deposition Ex. 1558, introduced during the December 15, 2011 deposition of B. Slepko	3
3	67	Oracle Deposition Ex. 276, introduced during the June 24, 2011 deposition of D. Chiu	3
4	68	Rimini's First Supplemental Response to Oracle's Interrogatory No. 16	3
5	69	April 19, 2011 Letter from B. Hann to R. Reckers	3
6	70	May 2, 2011 Letter from R. Dykal to B. Hann	3
7	71	February 14, 2012 Letter from K. Palumbo to R. Reckers	3
8	72	March 12, 2012 Letter from R. Reckers to K. Palumbo	3
9	73	Excerpts from the deposition of J. Jones, taken on January 5, 2012	4
10	74	Jan. 30, 2010 e-mail from J. McLeod	4
11	75	Jan. 30, 2010 e-mail from J. McLeod	4
12	76	John Letzing, "Upstart fires back at Oracle in legal battle," Marketwatch, March 29, 2010	4
13	77	Chris Kanaracus, "Rimini Street files countersuit against Oracle," Computerworld, March 29, 2010	4
14	78	David Bank, "Oracle Will Fact New Competitor For Siebel Users," Wall Street Journal, March 5, 2005	4
15	79	Oracle Deposition Ex. 913, introduced during the November 17, 2011 deposition of S. Ravin	4
16	80	Stacy Cowley, "Solution Providers: Oracle Suing Over Standard Industry Practice," CRN.com, March 23, 2007	4
17	81	Frank Scavo, "Oracle/SAP lawsuit: view from Rimini Street," The Enterprise System Spectator, March 27, 2007	4
18	82	Renee Boucher Ferguson, "Oracles Suit Against SAP Raises Customer Concerns," eWeek, July 12, 2007	4
19	83	Thomas Wailgum, "Oracle v. SAP Legal Fight Gets Messier, Raises Tough Questions About Third-Party Maintenance," CIO, April 25, 2008	4
20	84	March 29, 2010 Rimini Press Release	4
21	85	January 11, 2011 Bloomberg Interview with Seth Ravin	4
22	86	April 24, 2006 Rimini Press Release	4
23	87	January 2007 Rimini Presentation	4
24	88	Oracle Deposition Ex. 905, introduced during the November 17, 2011 deposition of S. Ravin, and associated testimony	4
25	89	Oracle Deposition Ex. 432, introduced during the September 16, 2011 deposition of D. Zorn	4
26	90	CA Cheuvreux, Credit Agricole Group, "SAP Company Report," July 15, 2010	4
27	91	PiperJaffray Investment Research, "Third Party Support: Not the End of Software Maintenance, But a Profound Change," July 2011	4
28	92	January 11, 2012 Rimini Press Release	4
	93	Rimini Website Client Overview Page	4
	94	Rimini's Response to Oracle's Interrogatory No. 27	4
	95	Oracle Complaint (Dkt. 1)	5
	96	Rimini's Amended Answer and CounterClaim (Dkt. 153)	5

1 DATED: September 14, 2012

BINGHAM MCCUTCHEN LLP

2

3 By: _____ /s/ Geoffrey M. Howard

4 Geoffrey M. Howard

5 Attorneys for Plaintiffs Oracle USA, Inc., Oracle
America, Inc. and Oracle International Corp.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28